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COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Written statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 July 1997]

GE.97-13048 (E)

1. The Commission for the Defence of Human Rights in Central America (CODEHUCA) believes that the situation of migrant workers and their families is a problem that calls for worldwide attention.

2. Individuals and their families migrate when they are marginalized or excluded within their countries of origin. In Central America, migration has long been a part of history. There are two prime reasons for this, which can operate alone and in conjunction: socio-economic exclusion, and political conditions.

3. Central America is a region in which Governments, the political class and the military have dominated all spheres of society. As to economic conditions, social investment has been and continues to be minimal. The lack of sources of employment; medical services in marked decline; few opportunities to study; and structural adjustment programmes have brought about an unprecedented migratory explosion.

4. Intolerance of ideas, a lack of personal freedoms and of the right to dissent and to be different, unsatisfactory administration of justice, and political persecution are the most noteworthy political features, all of which contributed to the armed conflicts of 1970-1980 in Central America, causing large-scale migrations as people struggled to save their own lives and improve their living conditions. Sadly, poor migrant workers are always poor, with few exceptions, because, as migrant workers, they are paid lower wages than the nationals of the host country.

5. For these reasons, Central America in the late 1970s and throughout the 1980s witnessed a massive exodus, in reaction to serious domestic armed conflicts, particularly in Guatemala, El Salvador, Honduras and Nicaragua.

6. The war severely affected the social, political, economic and cultural life of the region. The human toll paid by Guatemalan, Nicaraguan, Honduran and Salvadorian society was high and irreparable, especially in terms of loss of life, break-up of the family, the brain drain, lack of social investment and sources of employment. These were societies whose social fabric was torn apart.

7. As a consequence of serious violations of human rights, and as one way of safeguarding its physical integrity, the Central American diaspora spread to neighbouring countries in the region, Mexico, the United States, Canada and even to Europe. Central American migrant workers have never been accepted, but have instead been made the targets of discrimination and human rights violations in the host countries.

8. Fortunately, in the late 1980s, with the Esquipulas II Agreement, a political process conducive to ending the armed conflicts got under way in the region, culminating in the peace agreements in El Salvador in 1992; the 1989 elections in Nicaragua; and the Guatemala peace agreements of December 1996. It could theoretically be argued that Central America is experiencing new moments of democracy, but the root causes of the armed conflicts remain untouched, and poverty is on the rise. In Nicaragua, for example, 60 per cent of the economically active population can find no place in the labour market.

9. Many people believe that the neoliberal policies implemented just after the end of the armed conflicts are the main cause of the Central American economic crisis and the driving force behind the migrations. According to Alan Fajardo Reina, "The structural adjustment programmes are polarizing society and represent an economic model accompanied by a very exclusive political model, as a result of which part of the population is becoming a relative population, one which is superfluous in the model. This is what leads to migration. There is a population which becomes marginalized and stays on the fringes of the system operating under this model."

10. Because of its geographical situation, Costa Rica has begun to host swelling numbers of Nicaraguan immigrants. This immigration can be divided into two types: short-term and long-term. The former includes those Nicaraguans who come for the harvest and then return to their country. The latter includes those who decided in advance to move, either with their family or individually, in order to find better living conditions and to stay on permanently.

11. According to the authorities, this places a heavy burden on Costa Rica, because the Nicaraguan immigration is massive and demands the attention from the social services. The immigration authorities detain and deport persons without papers. Many Nicaraguans have complained of abuse by the authorities, who in some cases have beaten them up before deporting them. There are upwards of 600,000 Nicaraguans in Costa Rica, most of them without papers.

12. The Costa Rican Government, in conjunction with the Embassy of Nicaragua, is working on the legalization of thousands of Nicaraguans, who have received temporary work permits from the Ministry of Labour of Costa Rica.

13. At the same time, most Costa Ricans are xenophobic, frequently under the influence of the media, which portray the Nicaraguan immigrants in a bad light; the same happened with the Salvadorian refugees who fled to Costa Rica during the civil war in their country.

14. Another host country is Honduras, to which both Salvadorians and Nicaraguans have emigrated. The Honduran immigrants, especially the Garifuna, are heading towards the United States, and, as a result of living in another country with a different culture, are losing the cultural traits that kept them together as a group.

15. Central America exports migrants primarily Salvadorians, Nicaraguans and Hondurans, to the United States. In Los Angeles, California, alone there are 500,000 Salvadorians, who each year send $1.1 billion to their families back home. The United States dollar is the second most important currency in the Salvadorian economy. The State of Florida has also become a major area for Nicaraguans.

16. In these moves in search of better conditions, tragic situations occur. For example, immoral, greedy organized gangs, known as "coyotes", offer poor persons the chance to go to the United States. Hundreds of persons have been murdered, raped, assaulted or left to their fate in the desert en route. Migration is truly difficult, and migrant workers do not find a bed of roses at the other end.

17. In recent years the phenomenon has become more acute and the flow is greater than in the past. In addition, most migrant workers are undocumented, meaning they have no identification papers, because they have entered the country illegally. The costs of the move are very high, both for the migrants themselves and for the country they go to. In order to migrate, people have to sell belongings to cover the cost of the journey, which leads to financial difficulties in the family as well as broken emotional ties and the destruction of nuclear families.

18. Central American Governments have recently been trying to prevent the mass deportation of their nationals from the United States, arguing that their return in large numbers would have an adverse impact on the local economy. The Salvadorian President, Armando Calderón Sol, met with the United States Congress and White House staff last June to ask for the country's new immigration law to be "softened".

19. The United States finally halted the mass deportations of Central Americans, but that has not solved the problem, as the halt is temporary. One alarming factor faced by migrants to the United States is xenophobia, both at the official level and among the population, despite the fact that the nation was built by foreigners.

20. It is important to mention that, despite the existence of the 18 December 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, only six countries have ratified it, none of them from Central America. A campaign is needed at the diplomatic level to get the Convention ratified by the Member States of the United Nations.

21. Migration is not pleasant; it brings much suffering, family disruptions, anguish and insecurity, which is why legislation should be urgently adopted to help migrant workers and why the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should be ratified. In addition, however, Governments are under an obligation to maintain universally acceptable conditions within their countries so that people can live and grow with the dignity to which all human beings aspire.